

## **City of Coral Gables Planning Department Staff Report**

**To:** Planning and Zoning Board Members

**From:** Planning Department / Building and Zoning Department

**Date:** January 13, 2010

**Subject:** **Zoning Code Text Amendment – Article 5, Division 24, “Walls and fences”.** An Ordinance of the City of Coral Gables amending Zoning Code Article 5, “Development Standards”, Section 5-2403, entitled “Height of walls and fences”, to reduce the impact of fences along property lines on smaller lots; and providing for severability, repealer, codification, and an effective date.

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### **Recommendation**

The Planning Department in conjunction with the Building and Zoning Department recommends approval of the amendment to Zoning Code Article 5, “Development Standards”, Section 5-2403, entitled “Height of walls and fences”.

### **Background**

The Building and Zoning Department presented the proposed amendment to the Planning and Zoning Board on 11.04.09. The purpose of the proposed Zoning Code text amendment requested by the Building and Zoning Department is to reduce the impact of fences along property lines on smaller lots. At the 11.04.09 meeting, the Board deferred the item and requested that additional information be provided illustrating the application of the proposed changes. The Building and Zoning Department will present the additional information and illustrations at the meeting and will secure input and testimony from the Board and public.

The Building and Zoning Department has provided for the Board's review and information a completed Zoning Code Text Amendment Request form (see Attachment A). A draft Ordinance containing specific language in ~~strikethru~~/underline format has been prepared for the proposed Zoning Code text amendment (see Attachment B).

### **Public Hearing Timeline**

This Zoning Code text amendment is under the purview of the Planning and Zoning Board and City Commission since it requires public hearing review. Upon recommendation from the Planning and Zoning Board, the proposed text amendment is tentatively scheduled to proceed forward for public hearing before the City Commission as follows:

*City Commission, 1<sup>st</sup> Reading – February 9, 2010, 9:00 a.m.*

*City Commission, 2<sup>nd</sup> Reading – February 23, 2010, 9:00 a.m.*

The above dates and times are subject to change.

**Public Notification**

The Planning and Zoning Board meeting agenda has been re-advertised and re-posted on the City web page. The Staff report and attachments are also posted on the City web page.

Respectfully submitted,  


Eric Riel, Jr.  
Planning Director

**Attachments:**

- A. Zoning Code Text Amendment Request form.
- B. Draft Ordinance.

# City of Coral Gables Zoning Code Text Amendment Request

Date of request:  
January 9, 2009

Sponsoring department(s):  
Zoning Department

Code section(s) to be amended (attach additional sheets as necessary):  
5-2403 E & F (Height of walls & fences)

Purpose or explanation of text amendment (attach additional sheets as necessary):

- To reduce the impact of fences along the property line on smaller lots.
- Attention to this issue was initiated by a local resident.
- 30" wall height was determined in order to coordinate with the allowed height within the visibility triangle.
- Proposal has been reviewed by the Board of Architects.

Proposed text amendment (attach additional sheets as necessary):

E. Ornamental wrought iron, cast iron and/or aluminum fences may be erected to a maximum height of six (6) feet. The design of the fence may include columns minimum 16 inches square (with appropriate caps), at all corners and flanking all gates for vehicular and/or pedestrian access to the property. The design of such columns shall be compatible with the architecture of the building as determined by the Board of Architects

F. Ornamental wrought iron, cast iron and/or aluminum fences may be erected on top of a masonry wall provided that the height of the masonry wall shall not exceed four (4) feet and the maximum height of the wrought iron, cast iron, aluminum and masonry wall shall not exceed six (6) feet. When the Street Frontage is less than 85 feet wide, the maximum height of the masonry portion of the fence shall not exceed 30 inches above grade or established grade whichever is higher. When the grade varies along a property line, the wall shall step with the grade to maintain an average elevation as allowed by this code and approved by the Board of Architects.

Sponsoring department(s) signature:

Carlos Mindreau

Print name

Signature

1/09/09

Date

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING ZONING CODE ARTICLE 5, "DEVELOPMENT STANDARDS", SECTION 5-2403, ENTITLED "HEIGHT OF WALLS AND FENCES", TO REDUCE THE IMPACT OF FENCES ALONG PROPERTY LINES ON SMALLER LOTS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, on behalf of a local resident, the Building and Zoning Department has requested an amendment to the text of the Zoning Code to reduce the impact of fences along property lines on smaller lots; and,

**WHEREAS**, after notice duly published, a public hearing was held before the Planning and Zoning Board on November 4, 2009, at which hearing all interested parties were afforded the opportunity to be heard; and,

**WHEREAS**, at their November 4, 2009 meeting the Board deferred the item and requested that additional information be provided illustrating the application of the proposed changes; and,

**WHEREAS**, after notice duly published, a public hearing was held before the Planning and Zoning Board on January 13, 2010, at which hearing all interested parties were afforded the opportunity to be heard; and,

**WHEREAS**, the Board was presented with the text amendment to the Zoning Code, and after due consideration, recommended \_\_\_\_\_ (vote: \_\_-\_\_) of the amendment; and,

**WHEREAS**, after notice duly published, a public hearing for First Reading was held before the City Commission on February 9, 2010 at which hearing all interested parties were afforded the opportunity to be heard; and,

**WHEREAS**, the City Commission was presented with the text amendment to the Zoning Code, and after due consideration and discussion, \_\_\_\_\_ the amendment on First Reading (vote: \_\_-\_\_).

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Article 5. Development Standards**

**Division 24. Walls and fences**

**Section 5-2403. Height of walls and fences.**

- A. Ornamental wrought iron, cast iron and/or aluminum fences may be erected to a maximum height of six (6) feet. The design of the fence may include columns minimum sixteen (16) inches square (with appropriate caps), at all corners and flanking all gates for vehicular and/or pedestrian access to the property. The design of such columns shall be compatible with the architecture of the building as determined by the Board of Architects.
- B. Ornamental wrought iron, cast iron and/or aluminum fences may be erected on top of a masonry wall provided that the height of the masonry wall shall not exceed four (4) feet and the maximum height of the wrought iron, cast iron, aluminum and masonry wall shall not exceed six (6) feet. When the Street Frontage is less than eighty-five (85) feet wide, the maximum height of the masonry portion of the fence shall not exceed thirty (30) inches above grade or established grade whichever is higher. When the grade varies along a property line, the wall shall step with the grade to maintain an average elevation as allowed by this code and approved by the Board of Architects.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

**SECTION 6.** This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2010.  
(Moved: \_\_\_\_\_ / Seconded: \_\_\_\_\_)  
(\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_)  
(Vote: \_\_\_\_ - \_\_\_\_)  
(Agenda Item \_\_\_\_)

DONALD D. SLESNICK II  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ  
CITY ATTORNEY

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